

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 11, 2004. Claims 1, 4-11, 14-23, 26-31, 34-43, and 46-54 are pending in the present application. The Examiner rejects Claims 1, 4-11, 14-23, 26-31, 34-43, and 46-54. For the reasons set forth below, Applicants respectfully disagree with these rejections. Claims 1, 11, 21, 31, 40, and 43 have been amended to further clarify what Applicants consider to be the invention. Claims 8, 10, 15, 20, 23, 30, and 39 have been cancelled.

Information Disclosure Statement

The Examiner states that the Examiner is unable to locate the Information Disclosure Statement (IDS) first filed by Applicants on August 19, 2003, and then resubmitted with the After Final Response filed on October 23, 2003. Per the request of the Examiner, Applicants are submitting a copy of the IDS with this Response. Pursuant to M.P.E.P. § 609, Applicants respectfully request that the Examiner consider the art cited in the August 19, 2003 Information Disclosure Statement, and in the event a patent issues on this Application, that this art be printed on the face of the issued patent. A copy of the Applicants' August 19, 2003 Information Disclosure Statement and a copy of the PTO-1449 (with references) is enclosed with this response for the Examiner's consideration. Furthermore, Applicants respectfully request a copy of the PTO Form-1449 for the Information Disclosure Statement indicating the Examiner's consideration of the references.

Applicant makes this response to the Office Action mailed March 11, 2004 only providing that the Examiner does not hereafter issue a Final Office Action relying on any art submitted with the August 19, 2003, Information Disclosure Statement but not considered in the March 11, 2004, Office Action. If the Examiner feels additional rejections based on this art are appropriate, Applicants respectfully request that the Examiner issue a second non-final Office Action, rather than a Final Office Action, to give Applicants a full and fair opportunity to respond to any new rejections based on this art. Naturally, Applicants would also respectfully request that the shortened statutory period for response to the second non-final Office Action be restarted on the date such second non-final Office Action is mailed.

Claim Objections

The Examiner objects to Claim 1 because of certain informalities. Specifically, the Examiner objects to a typographical error. Applicants have amended Claim 1 to correct the typographical error identified by the Examiner. Applicants respectfully request that the objection to Claim 1 be withdrawn.

Rejections Under §103

The Examiner rejects Claims 1, 4-11, 14-23, 26-31, 34-40, 42-43, and 46-49 under 35 U.S.C. §103(a) as being obvious over U.S. Patent 6,259,701 issued to Shur, et al. ("*Shur*") in view of U.S. Patent 6,138,144 issued to DeSimone, et al ("*DeSimone*"). In addition, the Examiner rejects Claim 41 under 35 U.S.C. §103(a) as being obvious over *Shur* in view of *DeSimone* and U.S. Patent 5,963,547 issued to O'Neil, et al. ("*O'Neil*").

Claim 1, as amended, of the present application recites the following:

A method for enabling a multicast telecommunication session, comprising:

- receiving a call initiation request indicating a desire to create a communication link between a multicast telephony device and a unicast telephony device;

- determining that the unicast telephony device is incapable of receiving multicast media streaming;

- generating a virtual multicast intermediary in response to determining that the unicast telephony device is incapable of receiving multicast media streaming;

- receiving multicast media streaming sent to a multicast group address from a plurality of multicast telephony devices at the virtual multicast intermediary, the multicast media streaming directed to the unicast telephony device when the unicast telephony device is placed on hold;

- sorting the multicast media streaming sent to the multicast group address into individual streams based on the telephony devices that originated each stream;

- communicating the sorted media streaming to a unicast telephony device to enable the unicast telephony device to participate in a multicast telecommunication session; and

- indicating to the unicast telephony device that the individual media streams of the sorted media streaming originated from different multicast telephony devices.

Claims 11, 21, 31, 40, and 43, as amended, recite similar, although not identical, limitations.

Independent Claims 1, 11, 21, 31, 40, and 43, as amended, are Allowable over *Shur* in view of *DeSimone*

Because each and every limitation recited in Applicants' claims are not disclose, taught, or suggested by the proposed *Shur-DeSimone* combination, Applicants respectfully submit that Claims 1, 11, 21, 31, 40, and 43 are patentable over the prior art.

For example, Claim 1, as amended, recites: 1) receiving a call initiation request indicating a desire to create a communication link between a multicast telephony device and a unicast telephony device, 2) determining that the unicast telephony device is incapable of receiving multicast media streaming, and 3) generating a virtual multicast intermediary in response to determining that the unicast telephony device is capable of receiving multicast media streaming. Claims 11, 21, 31, and 40 recite similar, although not identical, limitations.

In the Office Action and with regard to now canceled dependent Claim 8, the Examiner relies on *DeSimone* for disclosure of "receiving a call initiation request indicating a desire to create a communication link between a multicast telephony device and a unicast telephony device." (Office Action, pages 5-6, citing *DeSimone*, Figure 1 and Col. 4, lines 5+). Applicants respectfully submit, however, that *DeSimone* does not disclose, teach, or suggest this limitation. Rather, *DeSimone* discloses "a multicast capable IP network implemented over an ATM network." (Abstract). "Each of the client terminals is connected to the IP network 102 over ATM. Each client terminal 101-1 - 101-5 has a unique ATM unicast endpoint address." (*DeSimone*, Col. 4, lines 50-54). Accordingly, *DeSimone* merely discloses a system that allows *unicast* client terminals existing on different IP sub-networks to conference with one another over a multicast network. Specifically, "IP Sub-networks 110, 111, and 112 are interconnected through multicast capable IP routers 113 and 114." (*DeSimone*, Col. 4, lines 60-61). Accordingly, element 113, as identified by the Examiner, interconnects client terminal 101-5, which is a member of IP sub-network 112, with the multicast network. (*DeSimone*, Col. 4, lines 58-60 and Figure 1). Similar interconnections are made for client terminals 101-1 - 101-2 and 101-3 - 101-4, which are also unicast and exist on different sub-networks, respectively. Therefore, *DeSimone* is limited to a system for interconnecting multiple *unicast* devices with a

multicast network. Accordingly, *DeSimone* does not disclose, teach, or suggest “receiving a call initiation request indicating a desire to create a communication link *between a multicast telephony device and a unicast telephony device*,” as recited in Claim 1, and similarly, though not identically, recited in Claims 11, 21, 31, and 40.

Furthermore, and for similar reasons, *DeSimone* also does not disclose, teach, or suggest the step of “determining that the unicast telephony device is incapable of receiving multicast media streaming” or the step of “generating a virtual multicast intermediary in response to determining that the unicast telephony device is incapable of receiving multicast media streaming,” as recited in Claim 1, and similarly though not identically recited in Claims 11, 21, 31, and 40. In fact, since client terminals 101-1 through 101-5 of *DeSimone* are limited to unicast devices, the determining and generating steps recited in Applicants’ claims are not even relevant to the system of *DeSimone*.

As another example, Applicants also submit that the proposed *Shur-DeSimone* combination does not disclose, teach, or suggest receiving multicast media streaming that includes “multicast media streaming directed to the unicast telephony device when the unicast telephony device is placed on hold,” as recited in Applicants’ independent Claim 1, and similarly, though not identically, recited in independent Claims 11, 21, 31, 40, and 43. In the Office Action and with regard to now canceled dependent Claim 10, the Examiner relies on *Shur* for disclosure of the recited limitations. (Office Action, pages 6, citing *Shur*, Figure 4). Applicants respectfully submit, however, that *Shur* does not disclose, teach, or suggest equivalents to the recited limitations. As described in the specification of *Shur*, Figure 4 relates to the “steps associated with a client joining a session.” (*Shur*, Col. 4, lines 41-42). Specifically, *Shur* discloses:

At step 403, a request is received from a client for a copy of the page containing the Multicast sessions. At step 404, the HTTP server 206 sends a message back to the client requesting the [client] to enter a login id and a password for authentication purposes. If the user is successfully authenticated at step 405, at step 406, server 206 returns a page to the client containing a list of sessions. When, at step 407, the user of the client browses the page and requests a session indicated by a URL, at step 408, server 206 returns a page containing details of the session and buttons enabling the client to request the session to start. At step 409, the client starts a selected session (or specific media in the session) by “pressing” a button on the HTML page. The server 206 then launches a control script 207.

(*Shur*, Col. 4, lines 50-64). Thus, the steps of Figure 4 merely discuss the initiation of a session for a particular user. Accordingly, *Shur* does not disclose, teach, or suggest receiving multicast media streaming that includes “multicast media streaming directed to the unicast telephony device when the unicast telephony device is placed on hold,” as recited in Claim 1 and similarly, though not identically, recited in Claims 11, 21, 31, 40, and 43.

For at least these reasons, Applicants believe that Claims 1, 11, 21, 31, 40, and 43 are allowable over the cited references. Therefore, Applicants respectfully request reconsideration and allowance of Claims 1, 11, 21, 31, 40, and 43, and all claims that depend from those claims.

CONCLUSION

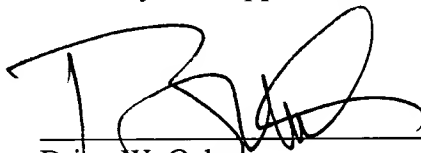
Applicants have made an earnest attempt to place this application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Although Applicants believe that no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

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